

**From:** [Stephen Tzhone](#)  
**To:** [Barbara Nann](#); [Brenda Cook](#); [Curry Jones](#)  
**Cc:** [Carlos Sanchez](#); [Charles Faultry/R6/USEPA/US@EPA](#); [Robert Werner/R6/USEPA/US@EPA](#)  
**Subject:** Re: San Jacinto: comments on Draft AOC  
**Date:** 06/16/2009 12:10 PM  
**Attachments:** [AOC RIFS Draft 1.doc](#)

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Hi Barbara,

I think we got the relationship on the site confused... I'm the client, you are the attorney. You need to coordinate the AOC completion (just like I am coordinating the SOW completion and Bob on the SNL completion).

- 1) The best and most appropriate personnel for paragraph #9 is Brenda Cook. Please coordinate with her to include or complete AOC paragraph #9.
- 2) The best and most appropriate personnel for paragraph #10 is Curry Jones. Please coordinate with him to include or complete AOC paragraph #10.
- 3) Brenda/Curry: Attached is the draft AOC for San Jacinto. Barbara needs some assistance regarding AOC paragraph #9 and #10 (please see her comments below).

Please do not modify paragraphs #6-8 (that is directly from the site SOW and is the information that I am comfortable with for the AOC findings of fact). However, Barbara is making a legal determination to go beyond that for her findings of fact. Thus, please assist her so that we can get this document completed, thanks.



[AOC RIFS Draft 1.doc](#)

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▼ [Re: San Jacinto: comments on Draft AOC](#)

**Re: San Jacinto: comments on Draft AOC** 

**Barbara Nann** to: Stephen Tzhone

06/16/2009  
09:22 AM

Cc: Carlos Sanchez



9344607

Stephen,

Referring to the HRS package in the AOC is not adequate. I need the technical details of why the site ranked spelled out in the findings of fact. The AOC is the master document for the site and should not send the reader to another document or website for EPA's authority to draft the AOC. Note: the legal portions of the findings of fact are in there already (paragraphs 13-18).

Looking at what you did, this is what needs to be changed/expanded:

(1) Paragraph 9: needs to be expanded. Do not refer to the HRS package. List the technical details as to why the site ranked on the NPL. This may take several paragraphs (list out contaminants found out at the site and the levels found. NOTE: don't put in TMDL info unless it is in the HRS package.)

(2) Remove Paragraph 10 referencing TMDL unless paragraph is tweaked. Paragraph just states that San Jacinto River is contaminated with dioxin but there is no facts/information in the AOC that ties those TMDL numbers to the site. (This makes it irrelevant bc AOC is about site conditions and the threatened or actual release of hazardous substances at the site.)

Please take another stab at Paragraph 9.

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▼ Re: San Jacinto: comments on Draft AOC

Re: San Jacinto: comments on Draft AOC 

**Stephen** to: Barbara Nann  
**Tzhone**

06/15/2009  
04:47 PM

Cc: Carlos Sanchez

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Barbara,

1) The AOC 'findings of fact' is both a technical and legal call. My technical description of the site (draft SOW paragraphs 15-18), which is my summarized 'findings of fact' is already given to you. I'm comfortable with that (that's why I have it in the SOW) and if you are comfortable with that, then either you or I can insert it verbatim into the AOC.

2) If you are not legally comfortable with the 'findings of fact' limited to just my technical description of the site, then I recommend making a reference to the whole HRS and/or TMDL report. Perhaps something like this:

'According to Hazard Ranking System (HRS) Documentation Record associated with the finalization of the Site on the National Priorities List, an observed release to the HRS Surface Water Migration Pathway has been established. Please refer to the HRS Documentation Record for additional information; especially, HRS Documentation Record Chapters 2.2 Source Characterization, and 2.3 Likelihood of Release.'

and/or,

'According to the Houston Ship Channel TMDL Project for Dioxin, elevated levels of dioxin have been observed in the San Jacinto River Watershed, including the area in and around the Site. Please refer to the Houston Ship Channel TMDL Project for Dioxin website for additional information; especially, annual summaries of project findings and progress, at:  
<http://www.tceq.state.tx.us/implementation/water/tmdl/26-hscdioxin.html>'

Technically, I did not list either one because neither 'finding' qualifies for quantification of absolute risk from the site, even though it may be implied as such. However, while I did not include them specifically, you may want to legally call them out as a 'finding of fact' for the AOC. So I'm giving you that option. If you don't want to, that's fine... remember, I am already okay with what I gave you to insert into the AOC 'findings of fact'.

3) Here, to save time, I have attached for you the AOC with edits which include all of the above. I'm okay with whatever you want to do with these edits, provided that the language associated with the technical description from the draft SOW is kept intact:

[attachment "AOC RIFS Draft 1.doc" deleted by Barbara Nann/R6/USEPA/US]

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